

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-128-MOC-DSC

LEKAYLE BOOKER,

Plaintiff,

v.

PATRICIA ALBRITTON, ET. AL.,

Defendant.

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ORDER

THIS MATTER is before the court on review of a Memorandum and Recommendation (#34) issued in this case. In the Memorandum and Recommendation, the magistrate judge advised the parties of the right to file objections within 14 days, all in accordance with 28 U.S.C. § 636(b)(1)(c). No objections have been filed within the time allowed. The Court notes that the letter sending plaintiff a copy of the M&R was returned on September 25, 2017, as “undeliverable.” It is, however, the responsibility of the litigant to keep the court informed of her current mailing address.

The *Federal Magistrates Act of 1979*, as amended, provides that “a district court shall make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir. 1983). However, “when objections to strictly legal issues are raised and no factual issues are challenged, *de novo* review of the record may be dispensed with.” Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Similarly, *de novo* review is not required by the statute “when a party makes general or conclusory objections


that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations." Id. Moreover, the statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby v. Davis, 718 F.2d at 200. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the court has conducted a careful review of the magistrate judge's recommendation.

After such careful review, the court determines that the recommendation of the magistrate judge is fully consistent with and supported by current law. Further, the factual background and recitation of issues is supported by the applicable pleadings. Based on such determinations, the court will fully affirm the Memorandum and Recommendation (#13) and grant relief in accordance therewith.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (#34) is **AFFIRMED** and defendants' Motions to Dismiss (#9, 13, 15, 17, 19, 24, 28, and 32) are **GRANTED**. This case is **DISMISSED**. The Clerk of Court is respectfully instructed to enter Judgment in accordance with this Order.

Signed: September 26, 2017


Max O. Cogburn Jr.
United States District Judge